LIBRARY
SUPREME COURT, U. S.

Office-Supreme Court, U.S.
FILED
MAR 9 1968
JOHN F. DAVIS, CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1967

No. 1215

MARY CARNERA, General Administratrix of the Estate of SEVERINO CARNERA, deceased; and MARY CARNERA, Administratrix *ad Prosequendum* of the Estate of SEVERINO CARNERA, deceased,

Petitioner,

vs.

LANCASTER CHEMICAL CORPORATION,

Respondent.

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

JACK MANDELL,
Counsel for Petitioner,
1180 Raymond Boulevard,
Newark, New Jersey, 07102.

BALK, JACOBS, GOLDBERGER & MANDELL,
Attorneys for Petitioner,
1180 Raymond Boulevard,
Newark, New Jersey, 07102.

Adams Press Corp., 11 Commerce Street, Newark, N. J.—Market 3-6611-12

TABLE OF CONTENTS

	PAGE
CITATIONS TO OPINION BELOW	2
JURISDICTION	2
QUESTION PRESENTED	2
STATUTES INVOLVED	2
STATEMENT	2
REASONS FOR GRANTING THE WRIT	2
CONCLUSION	3
APPENDIX:	
A—Opinion of the United States Court of Appeals for the Third Circuit	1a
B—Judgment of the United States Court of Appeals for the Third Circuit	3a
C—Opinion of the United States District Court for the District of New Jersey	6a

Statute Cited

28 U.S.C.:	
Sec. 1254 (1)	2
Sec. 1332 (c)	2, 3

IN THE

Supreme Court of the United States

OCTOBER TERM, 1967

No. _____

MARY CARNERA, General Administratrix of the Estate of Severino Carnera, deceased; and MARY CARNERA, Administratrix *ad Prosequendum* of the Estate of Severino Carnera, deceased,

Petitioner,

vs.

LANCASTER CHEMICAL CORPORATION,

Respondent.

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

Mary Carnera, General Administratrix of the Estate of Severino Carnera, deceased; and Mary Carnera, Administratrix *ad Prosequendum* of the Estate of Severino Carnera, deceased, prays that a Writ of Certiorari issues to review the judgment of the United States Court of Appeals for the Third Circuit entered in the above case on December 8, 1967.

Citations to Opinion Below

The opinion below is unreported and is printed in Appendix "A" hereto *infra*. The opinion of the District Court, printed in Appendix "C" hereto *infra* is apparently unreported.

Jurisdiction

The judgment of the Court of Appeals was entered on December 8, 1967. The judgment of this Court is invoked under 28 U.S.C. Section 1254 (1).

Question Presented

Was not the intent of Congress in enacting 28 U.S.C. Section 1332 (c) to limit the case load of the Federal Court brought by corporate litigants?

Statutes Involved

The statutes in question in the matter *sub judice* is 28 U.S.C. Section 1332 (c).

Statement

The petitioner submits that the intent of congress in enacting 28 U.S.C. Section 1332 (c) was to limit the case load in the Federal Court brought by corporate litigants.

Reasons for Granting the Writ

The petitioner respectfully submits that the Writ of Certiorari sought herein should be granted because the *per curiam* opinion of the Third Circuit decides a case of Federal Law which to the petitioner's knowledge has not been but should be settled by this Court; and petitioner further urges that the opinion below so far departs from the accepted and usual course of judicial proceedings as to warrant the exercise of this Court's supervision.

More particularly petitioner urges that it was not the intent of Congress in enacting 28 U.S.C. 1332 (c) to deny jurisdiction to individual citizen litigants but rather was intended only to limit the case load in the Federal Court brought by corporate litigants and in support of her position petitioner respectfully urges the language set forth in the Congressional Record of 1958, at pages 12,683 thru 12,690, where her position is respectively supported by the language of Congressman Smith of Virginia, Congressman Cellar of New York and Congressman Keating of New York.

CONCLUSION

For the foregoing reasons this Petition for a Writ of Certiorari should be granted.

Respectfully submitted,

JACK MANDELL,
Counsel for Petitioner,
1180 Raymond Boulevard,
Newark, New Jersey.

[APPENDICES FOLLOW]